

place, where were signs of a horse having been hitched there. Near this place was a discolored spot of ground, over which some twigs had been piled up. The bushes near had been broken off, and appeared to be hanging down; the discoloration of the ground at this spot appeared to be the width of my hand. The smell of the earth was offensive, and different from that of the surrounding earth. I know Laura Foster. I saw the dead body; I thought, from her cheekbones, and from her teeth and her dress, that it was her body. It had on a homespun dress, which I thought I knew.

Cross Examination Laura's teeth were large, I don't think there was any space between them, I saw no horse tracks around the dogwood tree. I think that part of the time, and most of the time we were searching, that Dula was in jail. The so-called blood spot, was out of the reach of the white oak, to which the horse was tied the second time, as we thought: It was some fifteen or twenty feet off from the white oak. I thought the discolored spot was blood, supposed so from what I concluded was an attempt at concealment. I think it a mile or three-quarters from the blood spot to the grave. Never at the grave, but know the ridge where it was found.

Pauline Foster (recalled by the state) testified, "I was staying at James Melton's as a hireling. (witness is a young woman) I went there for the first time in March last. Dula was at the house. He was there most everyday, while in the settlement; he stayed there sometimes at night. I have seen him in bed with Anne Melton, wife of James Melton, frequently. There were three beds in the room. James Melton did not sleep with his wife. The prisoner would slip into bed with her after she had gone to bed. He would first lay down with James Melton. Anne Melton became sick, the remedies she used were, blue mass, blue stone, and Caustic.

Here it was proposed by the state to show by this witness, what Anne Melton said was the matter, and who had occasioned her sicking. Objected to by the prisoner, but admitted by the court. The witness then stated that Anne Melton told her, not in the presence of Dula however, that Dula had given her the